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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,210	01/12/2004	Yuri Gartstein	D/A3045	1179

7590 09/24/2007  
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Albuquerque, NM 87196-4484

EXAMINER
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GRANT II, JEROME

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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09/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/756,210

Applicant(s)

GARTSTEIN ET AL.

Examiner

Jerome Grant II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-14, 18 and 19 is/are rejected.
- 7) ☒ Claim(s) 5-7, 15-17 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 1/04

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

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### **Detailed Action**

1.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 8-14, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harper in view of Madril.

With respect to claim 1, Harper teaches a method for determining resource capabilities in a production environment, the method comprising:

Initially evaluating a plurality of jobs (steps 412, 416 according to figure 4) within a production environment.

While Harper estimates a job length in the production environment it does not estimate the peak demand rate associated with the plurality of jobs.

Madril teaches a driver management service 226 which receives a print job from a translator engine 228 regarding the context of the job. Madril teaches the management service 226 selects the proper print driver having the resources to complete the job. Resources in this case are drivers with statistical records of printers that have been reliable and that were without installation or system lock up problems.

Madril further teaches LUT 230 for determining a maximum print request (peak demand production rate) corresponding to a maximum number of print jobs.

Since Harper and Madril are both directed toward a production environment, the purpose of determining a maximum job rate would have been contemplated by Harper in that steps 412 and 416 consider a number of jobs and the resources available to execute the job. So to one of ordinary skill in the art, it would have been obvious to modify the processing steps of Harper, to include an LUT 230 that keeps in memory the maximum job rate which can be performed given the resources of the designated printer driver.

With respect to claims 2 and 12, see the printer 108 of Madril and the printer 50 of Harper.

With respect to claims 3 and 13, the print-shop-102 of Madril and elements 20, 22, 24, 26 and 28 of Harper function as a print-shop.

With respect to claims 4 and 14, paragraph 21 of harper and step 416 teaches this limitation . See also para. 56 last 8 lines.

With respect to claims 8 and 18, by lean document, it is contemplated that the document job consists of a few number or pages as opposed to large number or pages. This limitation is inherent with respect to both Madril and Harper that move jobs of various sizes.

With respect to claim 9, the printer manager of Harper optimizes each job by sending it to the printer driver which has the resources to handle the request.

With respect to claim 10, Harper teaches initially evalutating a plurality of printing jobs, see steps 412 and 416, see also figure 4. Harper teaches wherein the printing environment comprises a print shop (elements 20, 22, 24, 26 and 28). While Harper estimates a job length in the production environment it does not estimate the peak demand rate associated with the plurality of jobs.

Madril teaches a driver management service 226 which receives a print job from a translator engine 228 regarding the context of the job. Madril teaches the management service 226 selects the proper print driver having the resources to complete the job. Resources in this case are drivers with statistical records of printers that have been reliable and that were without installation or system lock up problems.

Madril further teaches LUT 230 for determining a maximum print request (peak demand production rate) corresponding to a maximum number of print jobs.

Since Harper and Madril are both directed toward a production environment, the purpose of determining a maximum job rate would have been contemplated by Harper in that steps 412 and 416 consider a number of jobs and the resources available to execute the job. So to one of ordinary skill in the art, it would have been obvious to modify the processing steps of Harper, to include an LUT 230 that keeps in memory the maximum job rate which can be performed given the resources of the designated printer driver.

With respect to claim 11, Harper teaches a system for determining resource capabilities in a production environment, the system comprising :

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Evaluation processor implemented at (steps 412, 416 according to figure 4) within a production environment.

While Harper estimates a job length in the production environment it does not estimate the peak demand rate associated with the plurality of jobs.

Madril teaches a driver management service 226 which receives a print job from a translator engine 228 regarding the context of the job. Madril teaches the management service 226 selects the proper print driver having the resources to complete the job. Resources in this case are drivers with statistical records of printers that have been reliable and that were without installation or system lock up problems.

Madril further teaches LUT 230 (as a calculation module) for determining a maximum print request (peak demand production rate) corresponding to a maximum number of print jobs.

Since Harper and Madril are both directed toward a production environment, the purpose of determining a maximum job rate would have been contemplated by Harper in that steps 412 and 416 consider a number of jobs and the resources available to execute the job. So to one of ordinary skill in the art, it would have been obvious to modify the processing steps of Harper, to include an LUT 230 that Keeps in memory the maximum job rate which can be performed given the resources of the designated printer driver.

With respect to claim 19, Harper teaches the calculation module (LUT 230) calculates minimal resource capacities of said plurality of resources of the production environment based on a multi-objective optimization, i.e., multiple jobs that are being considered at the same time. See para. 41.



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2.

**Claims Objected to As Containing Allowable Matter**

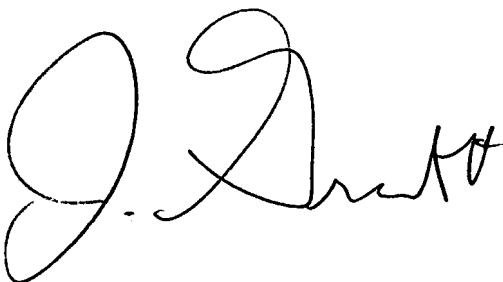
Claims 5-7, 15-17 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles, can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "J. Grant II", is located at the bottom of the page. The signature is stylized with a large, looping initial "J" and a distinct "II" at the end.